

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAZ CORLEONE SANTANGELO,

Defendant.

4:17-CR-3083

ORDER

This matter is before the Court on correspondence from the defendant ([filing 42](#)) that the Court has interpreted as a motion for return of property pursuant to [Fed. R. Crim. P. 41\(g\)](#). But that motion will be denied.

The defendant's motion represents that United States currency was seized from him by the Lincoln Police Department when he was arrested. [Filing 42 at 1](#). So, it's not surprising that the government's response to the defendant's motion indicates the money seized from him when he was arrested remains in the custody of the Lincoln Police Department. *See filing 44*. The United States government can't return to the defendant what it never had in the first place, nor can a United States federal court order the return of property that was never in the federal government's possession. *See United States v. Bailey, 407 F. App'x 74, 75 (8th Cir. 2011)*.

The defendant must make arrangements with the Lincoln Police Department for the return of his property.

IT IS ORDERED:

1. The defendant's motion for return of property ([filing 42](#)) is denied.
2. The Clerk of the Court shall provide the defendant with a copy of this order and a copy of the government's [Filing 44](#).

Dated this 10th day of January, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge